



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TTY/TDD 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

October 10, 2005

Jon Rubin, Chair
San Francisco Mayor's Appointee

John McLemore, Vice Chair
Cities of Santa Clara County

Tom Ammiano
City and County of San Francisco

Irma L. Anderson
Cities of Contra Costa County

Tom Azumbrado
U.S. Department of Housing
and Urban Development

James T. Beall Jr.
Santa Clara County

Bob Blanchard
Sonoma County and Cities

Mark DeSanluis
Contra Costa County

Bill Dodd
Napa County and Cities

Dorene M. Giacopini
U.S. Department of Transportation

Scott Haggerty
Alameda County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sue Lempert
Cities of San Mateo County

Michael D. Nevin
San Mateo County

Bijan Sartipi
State Business, Transportation
and Housing Agency

James P. Spring
Solano County and Cities

Pamela Toriatti
Association of Bay Area Governments

Shelia Young
Cities of Alameda County

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Operations

Andrew Fremier
Deputy Executive Director,
Bay Area Toll Authority

Therese W. McMillan
Deputy Executive Director, Policy

TO: Congestion Management Agencies

RE: Third Cycle Program: Local Streets and Roads Shortfall - Call for Projects

Dear CMA Director:

On November 16, 2005, the MTC Commission is to consider the adoption of the Third Cycle Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and Transportation Enhancement Activities (TE) Programming policies for SAFETEA. Under this Third Cycle Program, up to \$66 million may be made available for the Local Streets and Roads Shortfall (LSRS) Program. The Local Streets and Roads Committee recommended taking \$800,000 off the top of the LSRS program to fund an additional year of the Pavement Technical Assistance Program (PTAP). Assuming the Commission approves this recommendation, \$65.2 million will be available for local streets and roads pavement rehabilitation projects.

To allow sufficient project solicitation time, MTC is currently opening the call for projects to the Congestion Management Agencies (CMAs) or an equivalent agency to develop a list of local streets and roads shortfall funding priorities in their jurisdictions. *CMAs need to build sufficient flexibility in their project selection process to respond to potential adjustments of final funding levels for the LSRS program, which will be finalized by the Commission upon their adoption of the Third Cycle programming policies.*

MTC will be accepting project submittals through the nine CMAs in the region. The Third Cycle Programming policy is designed to allow flexibility for CMAs to develop expanded Local Streets and Roads Shortfall Program criteria within the regional policies outlined in the Third Cycle Program in their respective call for projects.

Enclosed are draft program guidelines and eligibility criteria to guide the CMAs in conducting a call for projects. Individual CMA Local Streets and Roads Shortfall Programs must be consistent with MTC's Third Cycle Programming Policy, which will be forwarded to you upon Commission action. MTC will be accepting applications from November 16th through Friday, February 10 for the Local Streets and Roads Shortfall Program.

For the most part, project selection and eligibility criteria have not changed from those used in previous LSRS Program cycles. However, for the third cycle LSRS program, the following program changes are highlighted for your information:

- CMAs are to submit a priority list of projects to MTC constrained by their county bid targets.
- Project grant amounts are to be rounded to the nearest \$1,000.
- CMAs are responsible for collecting local resolutions and legal opinions and for submitting them to MTC.
- All funds must be obligated by June 30, 2009

- Local jurisdictions are required to use the boilerplate resolution as attached. Modifications are only allowed if the project sponsor's general counsel requests exceptions from MTC's general counsel.
- Federal-Aid Secondary (FAS) guarantees must be met if not already done so as part of the third-cycle LSRS program. Three counties need to meet this requirement as part of this programming round: Alameda, Contra Costa, and Solano.
- Project delivery policies and deadlines are revised to reflect recently implemented Caltrans Local Assistance policies and procedures.

Please contact Craig Goldblatt at cgoldblatt@mtc.ca.gov or (510) 817-5837 for more information.

Sincerely,

ORIGINAL SIGNED BY

Alix Bockelman
Programming and Allocations Director

DRAFT

**LOCAL STREETS AND ROADS SHORTFALL
PROGRAM**

**Third Cycle SAFETEA
November 16, 2005**

LOCAL STREETS AND ROADS SHORTFALL (LSRS) PROGRAM

Third Cycle SAFETEA

November 16, 2005

PART I. GENERAL PROGRAM INFORMATION

MTC is committed to maintaining the regionally important system of state highways and local roads, identified as the Metropolitan Transportation System (MTS). To assist jurisdictions with the local streets and roads maintenance, MTC has set aside Surface Transportation Program (STP) funds for local streets and roads pavement rehabilitation and preventive maintenance projects. State highway rehabilitation and maintenance is to be funded by Caltrans under the State Highway Operations and Protection Program (SHOPP).

Under the Third Cycle STP/CMAQ/TE Program, MTC Resolution No. 3723, \$66 million in Surface Transportation Program (STP) funding is available for pavement rehabilitation projects on the federal-aid system in fiscal years 2006-07, 2007-08, and 2008-09. Development of the Local Streets and Roads (LSRS) Shortfall Program must be consistent with Third Cycle Programming Policies, Resolution No. 3723, approved by the MTC Commission on November 16, 2005. These policies can be found at www.mtc.ca.gov/funding.htm. Acceptance of funds from the Local Streets and Roads Shortfall Program indicates a project sponsor's acceptance of the federal regulations, state statutes, and regional policies as they pertain to the funding of the project and of the policies set forth in the Third Cycle Program.

PART II. CALL FOR PROJECTS PROCESS AND CONSIDERATIONS

While the Commission ultimately adopts the program of projects developed as part of the Local Streets and Roads Shortfall Program, each CMA is responsible for the selection of local streets and roads rehabilitation projects in their respective jurisdictions subject to the project eligibility criteria set forth in this "Call for Projects". However, CMAs may develop additional criteria to augment MTC's program guidance.

Public Involvement Process. MTC is committed to a public involvement process that is proactive and provides comprehensive information, timely public notice, full public access to key decisions, and opportunities for continuing involvement. MTC provides many methods to fulfill this commitment, as outlined in MTC Resolution No. 2648. The MTC website provides information about MTC's projects and programs, the agency's structure and governing body and upcoming public meetings and workshops. It also contains all of MTC's current planning and programming documents and publications located in the MTC-Association of Bay Area governments (ABAG) Library. The site posts agendas and packets as well as audiocasts, making it possible for interested parties to listen at their convenience to all Commission and standing committee meetings held in the MetroCenter's Lawrence D. Dahms Auditorium.

Similarly, MTC is requesting that the CMAs as full partners in development of the LSRS Program likewise engage in a broad, inclusive public involvement process. Federal regulations call for active outreach strategies in any metropolitan planning process, but opportunities for the

public to get involved are especially important with the project selection process for the LSRS Program.

Below are suggestions for congestion management agencies to use in seeking suggestions and comments on proposed projects that will be submitted to MTC for inclusion in the 2005 TIP. Further guidance is contained in the CMA Guidelines for Public Involvement Strategy for the Transportation 2030 Plan.

- Hold public meetings to adequately cover the major population centers and sub-areas within the county. These meetings should be structured to ensure the inclusion of the views and concerns of low-income and minority communities covered under Title VI of the Civil Rights Act.
- Provide for the public the key decision milestones in the process, so that interested residents can follow the process and know in advance when the CMA board will take action.
- In addition to the public meetings above, provide and publicize opportunities for affected stakeholders to comment about county projects at regularly scheduled meetings of the CMA policy board.
- Make a concerted effort to publicize meetings to a wide range of interest organizations and residents, including groups representing low-income and minority communities.

Title VI Considerations. Investments made in the LSRS Shortfall Program must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. Additionally, the CMAs must consider equitable solicitation and selection of project candidates in accordance with federal Title VI requirements.

Accommodations for Bicyclists, Pedestrians and Persons with Disabilities. Federal, state and regional policies and directives emphasize the accommodation of bicyclists, pedestrians, and persons with disabilities when designing transportation facilities. Of particular note is Caltrans Deputy Directive 64 which stipulates: “pedestrians, bicyclists and persons with disabilities must be considered in all programming, planning, maintenance, construction, operations, and project development activities and products.” MTC’s Regional Bicycle Plan, adopted as a component of the 2001 RTP, requires that “all regionally funded projects consider enhancement of bicycle transportation consistent with Deputy Directive 64”.

In selecting projects, the CMAs and project sponsors must consider federal, state and regional policies and directives regarding non-motorized travel, including, but limited to, the following:

Federal Policy Mandates

TEA-21 states that, "Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation projects, except where bicycle and pedestrian use are not permitted." (Section 1202)

The Federal Highways Administration Program Guidance on bicycle and pedestrian issues makes a number of clear statements of intent, and provides a best practices concept as outlined in the US DOT Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure.” (<http://www.fhwa.dot.gov/environment/bikeped/Design.htm>)

State Policy Mandates

California Government Code Section 65089(b)(1)(B)(5) requires that the design, construction and implementation of roadway projects proposed for funding in the STP/CMAQ/TE Program, must consider maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alteration.

Caltrans Deputy Directive 64 (<http://www.dot.ca.gov/hq/tpp/offices/bike/DD64.pdf>), states: “the Department fully considers the needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities) in all programming, planning, maintenance, construction, operations, and project development activities and products. This includes incorporation of the best available standards in all of the Department’s practices. The Department adopts the best practices concept in the US DOT Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure.”

Regional Policy Mandates

All projects programmed in the LSRS Shortfall Program must consider the impact to bicycle transportation, pedestrians and persons with disabilities. Furthermore, it is encouraged that all bicycle projects programmed in the Local Streets and Roads Shortfall Program support the Regional Bicycle Network. Guidance on considering bicycle transportation can be found in MTC’s 2001 Regional Bicycle Plan (a component of the Transportation 2030) and Caltrans Deputy Directive 64. MTC’s Regional Bicycle Plan, containing federal, state and regional policies for accommodating bicycles and non-motorized travel, is available on MTC’s Web site at:

<http://www.mtc.ca.gov/planning/bicyclespedestrians/regional.htm> - bikeplan

PART III. LOCAL STREETS AND ROADS PROJECT ELIGIBILITY

Purpose of Rehabilitation and Preventive Maintenance Projects. The purpose of pavement rehabilitation and preventive maintenance projects is to preserve and extend the service life of an existing facility. This includes work on non-pavement items listed in Attachment A, placement of additional pavement surfacing and/or other work necessary to return an existing structure or roadway, including shoulders, to a serviceable condition. Pavement rehabilitation and preventive maintenance strategies should extend the service life of a facility for a minimum of 5 years. This program does not fund routine maintenance projects.

Pavement Management System. MTC recognizes the importance of having effective pavement management tools available to jurisdictions. MTC’s pavement management system, StreetSaver™, is used by 107 of the 109 cities and counties in the Bay Area and the software has been instrumental in accurately establishing the rehabilitation needs of local streets and roads in the region. In addition to providing meaningful estimates on the future financial rehabilitation

needs of the local streets and roads, the system also uses decision rules to help jurisdictions determine the most cost effective treatments for rehabilitating a facility.

The proposed projects must be based on the analysis results from an established PMS for a jurisdiction. The sponsoring agency must have a certified Pavement Management System (PMS), MTC's or equivalent, for submitting rehabilitation and preventive maintenance projects. MTC is responsible for verifying the certification status. A list of jurisdiction certification status can be found at www.mtcpms.org/ptap/cert.html.

Project Eligibility. The LSRS Shortfall funding is reserved for pavement rehabilitation and preventative maintenance projects located on the Federal-Aid System. The requirement originating from second-cycle LSRS Program that funding priority go to pavement needs identified on the Metropolitan Transportation System (MTS) no longer applies for this Third-Cycle programming round.

Capacity-expansion projects, right of way purchases, channelization, routine maintenance, spot application, seismic retrofit, and structural repair on bridges are not eligible activities. Non-pavement enhancements, such as streetscape projects and new traffic calming features, are also not eligible for this program. Generally, the non-pavement activities and projects are replacement of features that currently exist on the roadway facility. Refer to Attachment A for a list of eligible non-pavement project types.

Fully Funded Projects. MTC will program a project component only if it finds that the component itself is fully funded with committed funds. MTC will regard funds other than STP, CMAQ, and TE as committed when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal discretionary funds, the commitment may be through federal approval of a full funding grant agreement or other federal approval. Any cost increases are the responsibility of the project sponsor.

Federal-Aid Eligible Facilities. All public roads functionally classified above rural minor collector are eligible for STP funding. The functional classification system for roadway facilities is further separated between urban and rural classification systems to reflect the fundamentally different travel characteristics of these two classes.

The urban functional classification system is hierarchically represented by four functional categories: 1) principal arterials, 2) minor arterials, 3) collector streets, and 4) local streets. Projects located on facilities classified as collector streets and above are eligible for funding in the urban system. Projects located on a facility classified as a local street in the urban functional classification is not eligible for funding.

The rural functional classification system is separated into five categories: 1) principal arterials, 2) minor arterials, 3) major collectors, 4) minor collectors, and 5) local streets. For facilities in the rural classification system, projects located on major collectors and above are eligible for funding. Projects located on facilities classified as minor collectors and local streets are not eligible for funding.

Caltrans maintains a database of the functional classifications for a majority of the roadways in California. For a general description of the functional classification system, please see

http://www.dot.ca.gov/hq/LocalPrograms/f_class/f_class.htm. The database is accessible online at http://www.dot.ca.gov/hq/LocalPrograms/Reports_db.htm. Periodically, Caltrans shuts the database down to update the data. If the Caltrans database is inaccessible, please contact Office of Highway System Engineering, Caltrans, at (916) 654-5156 for a functional classification verification of a particular roadway.

PART IV. COUNTY FUNDING TARGETS

LSRS Program Fund Distribution. Attachment B establishes funding targets for each county to program local streets and roads projects. The Second-cycle round of the local streets and roads rehabilitation program distributed funding to counties based on their proportional share of the region's Metropolitan Transportation System shortfall, based on Transportation 2030. Subsequently there have been discussions in the Partnership regarding the equity in the distribution of the funding using this approach. As a result, the LS&R Committee has reached a consensus on a new model to distribute the funding, taking into consideration other factors such as population, lane mileage, arterial/ collector maintenance shortfalls, and jurisdictions' performance in managing its pavement needs. Since this new model involves "winners" and "losers", the Cycle 1 Augmentation compromised by distributing money via a "hybrid" formula – 50% original MTS and 50% new model. For the Third Cycle, funding distribution will continue to use the "hybrid" model.

Pending final adoption of Third-Cycle policies by the Commission we are looking at a LSRS Program funding level of \$66 million (current proposal). Per the Local Streets and Roads Committee recommendation, \$800,000 of this amount will be taken off the top to fund Pavement Technical Assistance Program. The CMAs should have a contingency bid list in place until the Commission establishes the LSRS Program's final funding levels on November 16, 2005.

Availability of Program Funds. The STP funds available for programming are assigned from federal apportionments in fiscal years (FYs) 2007-08, and 2008-09. LSRS funds can be programmed in any of these two years, and may be advanced and programmed in FY 2006-07 based on project sponsor needs. Of course actual availability of federal funds is contingent upon the availability of obligation authority (OA), and all funds must be obligated by June 30, 2009. Furthermore, for financial constraint purposes, the region as a whole cannot exceed the annual targets listed. All project funding listed must be to the nearest thousand. MTC will round downwards to the nearest thousand for any project or project phases with non-rounded figures.

Funds designated for each project component will only be available for obligation in the fiscal year in which the funds are programmed in the Transportation Improvement Program (TIP). It is therefore very important that projects be ready to proceed in the year programmed. For example, a project that is assigned funds in FY 2006-07 is required to obligate by the required obligation deadline for that year. In addition to obligation deadlines, it is also important to note that Caltrans has recently adopted a new policy regarding the expenditure and reimbursement of funding after obligation, which might affect a project sponsor's decision in which year to request funding. Upon project obligation, a project sponsor has 60 days to encumber the funds (sign a Program Supplement Agreement with Caltrans). Project sponsor must expend funds and submit invoices to Caltrans at least once every six months thereafter. The consequence of not doing so is the deobligation of the project's unexpended balance by FHWA.

State Mandated Federal Aid Secondary (FAS Targets). California Streets and Highways Code Section 182.6(d)(2) requires that a portion of STP funds be set aside and guaranteed for use by each unincorporated county area, based on 110% of the apportionment of Federal Aid Secondary (FAS) (rural) funding in FY 1990-91. MTC staff have been tracking the FAS set-aside requirement and are aware of three counties that have not received their guaranteed set aside for the SAFETEA period, and will therefore need to receive guaranteed funding in the Third Cycle LSRS Program. These counties are: Alameda County (\$987,000); Contra Costa County (\$902,000); and Solano County (\$1,056,000). With the programming of these amounts to these counties in Third Cycle, all counties will have met the FAS set aside requirements for the SAFETEA period. This requirement does not preclude counties from being programmed more funding than what is required by the statute.

PART V. LOCAL MATCH

Projects funded with STP funds require a non-federal local match. Based on California's share of the nation's federal lands, the local match for STP is 11.47% of the total project cost. The Federal Highway Administration (FHWA) will reimburse up to 88.53% of the total project cost. The project sponsor is responsible for obtaining the required non-federal match.

PART VI. PROJECT DELIVERY

The regional project delivery policy (MTC Resolution No. 3606) establishes funding deadlines for STP and CMAQ Program funding to ensure timely project delivery against state and federal funding deadlines. Resolution 3606 establishes a standard policy for enforcing project funding deadlines and project substitutions for these funds. Projects programmed in LSRS Program are subject to the provisions of MTC Resolution No. 3606, as amended (located on the internet at: http://www.mtc.ca.gov/MTC/funding/MTC_Res_3606.pdf).

MTC Resolution 3606 will be amended in December 2005 to include recent project delivery changes at the state level reflecting new funding requirements established by Caltrans. Consequently, project sponsors must adhere to the additional milestones and requirements, as outlined below for all FHWA-administered federal funds:

- Project Supplement Agreement (PSA) must be executed within 60 days of obligation;
- Funds for projects that do not have executed PSAs within six months of actual effective obligation will be deobligated;
- Project sponsors must submit an invoice against each obligated project phase at least once every six months;
- At project award, cost savings in excess of \$50,000 will be deobligated by Caltrans;
- An estimated completion date for each phase must be submitted with the obligation request.

Formatted: Indent: Hanging: 0.25",
Bulleted + Level: 1 + Aligned at:
0.3" + Tab after: 0.55" + Indent at:
0.5", Tabs: Not at 0.55"

Projects are chosen for the LSRS Shortfall Program based on eligibility, project merit, and deliverability within the established deadlines. The programmed STP funds are for those projects alone. It is the responsibility of the implementing agency at the time of programming, to ensure the regional, state and federal deadlines and provisions of the regional project delivery policy can be met.

MTC staff will actively monitor and report the obligation status of projects to the Finance Working Group (FWG) of the Bay Area Partnership. The project sponsor is responsible for meeting all funding and delivery requirements and ensuring funds are not de-obligated from the project. The FWG will monitor project delivery issues as they arise and make recommendations to the Partnership Technical Advisory Committee (PTAC) as necessary.

STP and CMAQ funds are programmed in the fiscal year the project is to be obligated by FHWA. Projects selected in Third Cycle are expected to be obligated in FY 2006-07 through 2008-09. A project sponsor may not be reimbursed for expenditures made prior to the issuance of authorization to proceed (E-76). Therefore, the project sponsor must not incur costs prior to an authorization to proceed (E-76) from FHWA (or authorization for Advance Construction (AC)), or a transfer of funds to FTA (or pre-award authority).

Obligation deadlines, project substitutions and redirection of project savings will continue to be governed by the MTC Regional Project Delivery Policy which enforces fund obligation deadlines and project substitution for STP and CMAQ funds (MTC Resolution No. 3606).

PART VII. PROJECT AMENDMENTS

The implementing agency or MTC may determine that circumstances may justify changes to the STP programming. These changes, or amendments to these regional programs, are not routine. All proposed changes will be reviewed by MTC staff before the Commission considers any formal actions on program amendments. All changes must follow MTC policies on the Public Involvement Process and Federal Air Quality Procedures and Conformity Protocol. Changes must be consistent with the Regional Transportation Plan (RTP), must not adversely affect the expeditious implementation of Transportation Control Measures (TCMs), must not negatively impact the deliverability of other projects in the regional programs, and must not affect the conformity finding in the TIP.

PART VIII. APPLICATION MATERIALS

There are four elements to the application process: 1) Project Priority List, 2) Project Application, 3) Resolution of Local Support and 4) Opinion of Legal Counsel.

Application Materials:	Deadlines:
1. Project Priority List	CMAAs shall submit a project priority list constrained to their respective bid targets to MTC*. By January 27, 2006
2. Project Application	CMAAs shall submit applications through the online application located at: http://webfms.mtc.ca.gov/webfms/home By February 10, 2006
3. Resolution of Local Support	CMAAs shall compile and send the Resolutions of Local Support and Opinion of Legal Counsel to MTC*: By March 31, 2006
4. Opinion of Legal Counsel	

*Materials submitted to MTC should be sent to:

Craig Goldblatt
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Project submittals from the CMAAs will be accepted by MTC via the online application accessible through MTC's website at <http://webfms.mtc.ca.gov/webfms/home>. CMAAs must submit their programs by February 10, 2006.

An authorizing resolution stating the sponsor's commitment to complete the project as scoped with the funds requested and an Opinion of Legal Counsel must accompany all local projects included in the Third Cycle Program. MTC has the authority to deprogram projects that do not have a Resolution of Local Support and an Opinion of Legal Counsel on file. Project sponsors and implementing agencies via their CMAAs need to submit the documents by March 31, 2006. An agency with multiple projects can submit one Resolution of Local Support and Opinion of Legal Counsel that encompasses all of the projects. However, individual Certifications of Assurances accompanying the resolution of Local Support must be submitted for each project. Moreover, project sponsors have the option of consolidating the 'Opinion of Legal Counsel' within the Resolution of Local Support, by incorporating the statements into the Resolution of Local Support. A sample Resolution of Local Support and Opinion of Legal Counsel is provided in Attachment C, D, and E. Project sponsors are required to use the boilerplate resolution as attached. Modifications are only allowed if the project sponsor's general counsel requests exceptions from MTC's general counsel.

PART IX. PROJECT SUBMITTAL AND SCHEDULE

CMAAs must submit to MTC the LSRS project priority list by January 27, 2006; project applications by February 10, 2006; and Resolutions of Local Support/ Opinions of Legal Counsel by March 31, 2006.

For more information regarding the Local Streets and Roads Shortfall Funding Program, please contact the following MTC staff:

Craig Goldblatt **cgoldblatt@mtc.ca.gov** **(510) 817-5837**

For more information regarding the online WebFMS application process, please contact the following MTC staff:

Raymond Odunlami **rodunlami@mtc.ca.gov** **(510) 817-5799**

For more information regarding the Pavement Management System, please contact the following MTC staff:

Sui Tan **stan@mtc.ca.gov** **(510) 817-5844**

Jeff Gerbracht **jgerbracht@mtc.ca.gov** **(510) 817-5864**

Attachment A
Pavement Rehabilitation and Preventive Maintenance Project
Eligible Project Costs

Category: Pavement Rehabilitation and Preventive Maintenance

- A. Material cost
- B. Labor cost
- C. Rental equipment costs related to the project
- D. Pavement striping costs
- E. Replacement of loop detectors
- F. Necessary incidental repairs required by the roadway improvement
(such as repairs/replacement of storm drains, culverts, drainage channels, curb & gutter, driveway conforms)
- G. Staff costs
- H. Project design costs
- I. Construction engineering/management costs (up to 15% of construction cost)
- J. Contract procurement and advertising costs
- K. Adjustment of storm drain manholes/survey monuments/storm water inlets/ utility covers and boxes
- L. Traffic control at project site
- M. Dust control measures
- N. Erosion control measures
- O. Repairs to shoulders
- P. Mobilization costs

Non-Pavement Rehabilitation Project Types

- 1. Minor Structures:
 - Drainage –headwalls, CMP, etc
 - Retaining walls
 - Storm damage (slope protection, slide repair)
- 2. ADA compliance – (ramps)
- 3. NPDES / Permits
- 4. Traffic Safety – Signs, signals, striping, etc
- 5. Bike path – Class II / III only
- 6. Pedestrian – Sidewalks

Attachment B

METROPOLITAN TRANSPORTATION COMMISSION
DRAFT LSRS Fund Estimate for 3rd Cycle
STP Programming
October 10, 2005

County	3rd Cycle* LSRS Bid Targets (Hybrid Formula)	
	(% Share)	(\$ Amount)
Alameda	13.9%	\$9,090,000
Contra Costa	12.6%	\$8,250,000
Marin	5.3%	\$3,480,000
Napa	4.6%	\$2,990,000
San Francisco	9.4%	\$6,110,000
San Mateo	8.7%	\$5,680,000
Santa Clara	24.6%	\$16,010,000
Solano	5.2%	\$3,420,000
Sonoma	15.6%	\$10,170,000
SubTotal	100.0%	\$65,200,000
PTAP**		\$800,000
Total		\$66,000,000

**For programming in FYs 2006-07, 2007-08, and 2008-09*

***Based on the LS&R Committee Recommendation*

Attachment C

Project sponsors must submit a completed project application for each project proposed for funding in the Local Streets and Roads Shortfall Program. In addition to the application available on the Internet at: <http://www.mtc.ca.gov/funding.htm>, projects sponsors must submit a Resolution of Local Support and Opinion of Legal Counsel.

- 1a. Resolution of local support *
- b. Local agency certification of assurances
2. Opinion of legal counsel *

* NOTE: Project sponsors have the option of consolidating the ‘Opinion of Legal Counsel’ within the Resolution of Local Support, by incorporating the following statements into the Resolution of Local Support:

Resolved, that (agency name) is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

Resolved, that (agency name) is authorized to submit an application for State Transportation Improvement Program funds for (project name); and be it further

Resolved, that there is no legal impediment to (agency name) making applications for Regional Improvement Program funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and be it further

If the above language is not provided within the Resolution of Local Support, an Opinion of Legal Counsel is required as provided in Part 1b

**Attachment D: Part 1a.
Third Cycle STP/CMAQ/TE Program
Sample Resolution of Local Support**

Resolution No. _____

**AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION
PROGRAM FUNDING FOR (project name) AND COMMITTING THE NECESSARY NON-FEDERAL
MATCH FOR THE PROJECT(S) AND STATING THE ASSURANCE OF (name of jurisdiction) TO
COMPLETE THE PROJECT**

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133 and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, the SAFETEA legislation will guide STP, CMAQ, and TE programming until a SAFETEA bill is authorized; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, (applicant) is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

WHEREAS, (applicant) wishes to submit an application to MTC for funds from the Surface Transportation Program Improvement Program in fiscal years 2006-07, 2007-08, and 2008-09 for the following project:

(project description) .

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 1) that the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 2) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 3) that the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 4) that the sponsor has a certified pavement management system (PMS).

Formatted: Bullets and Numbering

NOW, THEREFORE, BE IT RESOLVED by (governing board name) that (applicant) is authorized to execute and file an application for funding under the Surface Transportation Program of SAFETEA in the amount of (\$ STP request) for (project description); and

BE IT FURTHER RESOLVED that (governing board) by adopting this resolution does hereby state that:

1) (applicant) will provide (\$ match amount) in non-federal matching funds; and

1) (applicant) understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at (\$ STP/CMAQ amount), and that any cost increases must be funded by the (applicant) from local matching funds, and that (applicant) does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

Formatted: Bullets and Numbering

1) (project name) will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and

Formatted: Bullets and Numbering

4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP.

BE IT FURTHER RESOLVED that (agency name) is an eligible sponsor of projects in the Surface Transportation Program; and be it further

BE IT FURTHER RESOLVED that (agency name) is authorized to submit an application for Surface Transportation Program funds for (project name); and be it further

BE IT FURTHER RESOLVED that there is no legal impediment to (agency name) making applications for Local Streets and Roads Shortfall Program funds; and be it further

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and be it further

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

The sponsor indicated below hereby certifies that the project indicated below, for which Surface Transportation Program funding from MTC's Local Streets and Roads Shortfall Program is requested, meets the following project screening criteria. **Please initial each.**

Project Name: _____

- The sponsor agrees to abide by all regulations, statutes, rules and procedures applying to Third Cycle STP/CMAQ/TE Program, and to follow all requirements associated with the funds programmed to the TIP, including, but are not limited to the four items below: _____

- 0. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.
- 0. Federal Transit Administration (FTA) requirements, as outlined in FTA regulations and circulars for all projects with FTA funding
- 0. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
- 0. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity of the State Implementation Plan (SIP).

Certified By: Signature _____ Print Name _____ Date: _____

Attachment E

**Third Cycle STP/CMAQ/TE Program
Part 2. Sample Opinion of Legal Counsel**

Project sponsors have the option of including specified terms and conditions within the Resolution of Local Support as included in Appendix C. If a project sponsor elects not to include the specified language within the Resolution of Local Support, then the sponsor shall provide MTC with a current Opinion of Counsel stating that the agency is an eligible sponsor of projects for the STP, CMAQ, and TE Third Cycle Program for SAFETEA; that the agency is authorized to perform the project for which funds are requested; that there is no legal impediment to the agency applying for the funds; and that there is no pending or anticipated litigation which might adversely affect the project or the ability of the agency to carry out the project. A sample format is provided below.

(Date)

To: Metropolitan Transportation Commission
Fr: (Applicant)
Re: Eligibility for STP, CMAQ, and TE Third Cycle Program funds for SAFETEA

This communication will serve as the requisite opinion of counsel in connection with the application of (Applicant) _____ for funding from the STP, CMAQ, and TE Third Cycle Program made available pursuant to the SAFETEA.

1. (Applicant) _____ is an eligible sponsor of projects for the STP, CMAQ, and TE Third Cycle Program for SAFETEA.
0. (Applicant) _____ is authorized to submit an application for STP, CMAQ, and TE Third Cycle Program funding for SAFETEA for (project) _____.
0. I have reviewed the pertinent state laws and I am of the opinion that there is no legal impediment to (Applicant) _____ making applications for STP, CMAQ, and TE Third Cycle Program funds for SAFETEA. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation, which might in any way adversely affect the proposed projects, or the ability of (Applicant) _____ to carry out such projects.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start
at: 1 + Alignment: Left + Aligned at:
0.5" + Tab after: 0" + Indent at:
0.75"

Sincerely,

Legal Counsel

Print name